

July 9, 2007

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
JULY 9, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KIMBERLY GANN  
KATHLEEN LOCEY  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

REGULAR\_MEETING

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MR. KANE: I'd like to call the July 9, 2007 meeting of  
the New Windsor Zoning Board of Appeals to order.

APPROVAL\_OF\_MINUTES\_DATED\_JUNE,\_11,\_2007

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MR. KANE: Motion to accept the minutes of June 11,  
2007 meeting as written.

MS. GANN: So moved.

MR. LUNDSTROM: Second it.

ROLL CALL

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MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

proposed two story addition, that's not what you're talking about?

MR. LOWE: No, the addition is already there.

MR. LUNDSTROM: Proposed addition has already been done, this is just a matter of convenience that you provided this for us. It's the structure behind that the 26 x 14 foot deck that you're planning on putting in?

MR. LOWE: Yes.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the deck?

MR. LOWE: No, nothing like that.

MR. KANE: Creating water hazards or runoffs?

MR. LOWE: No.

MR. KANE: Any easements in the area where you intend to build the deck?

MR. LOWE: No.

MR. KANE: Deck's similar in size and nature to other decks in your neighborhood?

MR. LOWE: Yes.

MR. KANE: Mike, with a 14 foot rear yard setback, how much does that leave him?

MR. BABCOCK: Leaves him 36 foot, it's required to be 50, his new addition is exactly at 50.

MR. LUNDSTROM: One other question if I may, Mr. Chairman, are there any other structures that are that

close or closer to the lake?

MR. LOWE: Yes.

MR. LUNDSTROM: Would you enlighten us as to some of those?

MR. LOWE: I would say two houses over from me someone has a deck with a pool that's that close, my next door neighbor, his house is just about as far out as I wanted to go with the deck and he has a pool with a deck around it.

MR. LUNDSTROM: Is that the Dondish (phonetic) property?

MR. LOWE: Dondish, yeah, and then probably about I would say five houses to the left of me there's people that have a gazebo right down on the water and a patio.

MR. LUNDSTROM: Just wanted to get it on the record, Mr. Chairman, all right, thank you.

MR. KANE: You've provided a lot of nice pictures so we can get a nice idea. Any further comments? I think we have enough.

MS. GANN: I'll make a motion we set up Jason Lowe for a public hearing for his request for 14 foot rear yard setback for a proposed 14 foot by 26 foot attached rear deck.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE                      AYE

MR. KANE:   All the directions are right there.

MS. MASON:   Just tells you what to do next, Jason.

MR. LOWE:   Thanks a lot.

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TOWER\_MANAGEMENT\_(07-34)

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MR. KANE: Request for 64 square foot for existing freestanding sign at 366 Old Forge Hill Road. Name and address.

MS. BOYLE: Angela Boyle.

MR. KANE: Are you with Tower Management?

MS. BOYLE: Yes, I'm the property manager.

MR. KANE: Tell us what you want to do.

MS. BOYLE: I need a variance for 64 square feet because the sign has writing on both sides so they doubled the size of the sign.

MR. KANE: It's a nice looking sign. For the record, the sign coming down Old Forge Hill Road doesn't impede the vision of any traffic coming down that road?

MS. BOYLE: No, it doesn't.

MR. KANE: Is the sign illuminated in any way?

MS. BOYLE: No, it's not.

MR. KANE: Other signs that are in the area this isn't any bigger than any of the other signs in your particular neighborhood? It's not a trick question.

MS. BOYLE: You know, I don't think so.

MR. KANE: Where the sign is placed there was no cutting down of trees, creating any water hazards?

MS. BOYLE: No.

MR. KANE: Are there any easements running through the

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area where the sign is?

MS. BOYLE: No.

MR. KANE: We have good pictures. Any further questions? I think we have enough.

MR. LUNDSTROM: On the plot plan where would the sign be going looks like there are three entrances to the parking lot?

MS. BOYLE: It's between the, coming from 94 it's between the first and the second entrance, it's right outside the middle building.

MR. LUNDSTROM: Would you show us on this?

MS. BOYLE: Sure.

MR. LUNDSTROM: Just mark on it with a pen or pencil.

MR. KANE: Just let the record show that the sign is approximately 16 feet off of Old Forge Hill Road. I'll accept a motion if there's no further questions.

MR. LUNDSTROM: I'll offer a motion that the application from Tower Management be forwarded to a public hearing request for 64 square foot for existing freestanding sign at 366 Old Forge Hill Road in an R-4 zone.

MS. BOYLE: Excuse me, it's 336.

MR. LUNDSTROM: Let the record be corrected on the agenda it says 366, that should read 336, thank you.

MR. KANE: Mike, we'll need to correct that for the public hearing.

MR. BABCOCK: Sure.

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PUBLIC\_HEARINGS:

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GARY\_WALTERS\_(07-24)

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MR. KANE: Request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive.

MR. WALTERS: My name is Gary Walters, I live at 6 Hillcrest Drive, Salisbury Mills, New York and I'm requesting a variance for a 6 foot high fence on the Lake Road side of my house cause my house side is on two streets, fronts on two streets so I'd like to make it a little more private by installing a 6 foot fence on the one side.

MR. KANE: Was there an existing fence there, Gary?

MR. WALTERS: No.

MR. KANE: Was there any cutting down of substantial trees or vegetation in the building of the fence?

MR. WALTERS: No.

MR. KANE: Create any water hazards or runoffs?

MR. WALTERS: No.

MR. KANE: Any easements run in the area where the fence is?

MR. WALTERS: No.

MR. KANE: Fence is along the road, does it impede the view of traffic coming down the road?

MR. WALTERS: No.

MR. KANE: And the reason for the extra two feet on the



top of the fence?

MR. WALTERS: Privacy.

MR. LUNDSTROM: Gary, what's in that area now, is there anything there?

MR. WALTERS: No. You mean across that like road, no, there's pretty much nothing.

MR. LUNDSTROM: There's a house on Lake Road in that area that has put up a plastic fence, where is that in relationship to your house on the curve of Lake Road?

MR. WALTERS: I'm not sure, that could be me.

MR. TORPEY: You're fencing the whole thing in?

MR. WALTERS: Just the one side.

MR. KANE: At this point, I'm going to open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's nobody here for this hearing, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 35 addressed envelopes and had no response.

MR. KANE: We'll bring it back to the board for further questions.

MR. LUNDSTROM: There's no fence there now?

MR. WALTERS: No.

MR. KRIEGER: Although your house is on a corner this is on what appears to be visually the side of the house?

MR. WALTERS: It's not, my house isn't on a corner, just fronts on two streets, I'm between two other houses that are on corners but my house front actually the back of my house is on Lake Road, the other side is on Hillcrest Drive.

MR. BABCOCK: In theory, Mr. Attorney, he's actually it's the rear of his house where this fence is going, he has two front yards.

MR. KRIEGER: Okay, that's what I needed to know. Thank you.

MR. LUNDSTROM: Was there an entrance to the garage or driveway back there?

MR. WALTERS: Yes.

MR. LUNDSTROM: Okay, if this fence goes up, is that driveway going to be unavailable now?

MR. WALTERS: Yes.

MR. LUNDSTROM: How do you plan on getting there or just going to tear up the macadam?

MR. WALTERS: No, I'm just going to leave it.

MR. KANE: Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Gary Walters for a two foot maximum height variance for a proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive in an R-4 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

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MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

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MARY\_GAYTON\_(07-32)

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MR. KANE: Request for 10 foot 6 inch side yard setback and 24 foot rear yard setback for existing attached 16 foot x 16 foot rear deck at 114 Chestnut Drive.

Mr. and Mrs. Tom Gayton appeared before the board for this proposal.

MR. KANE: Hi.

MRS. GAYTON: Mary Gayton, 114 Chestnut Drive.

MR. GAYTON: Tom Gayton, 114 Chestnut Drive, New Windsor. We're looking to get a variance for a deck that we put up, we put a 16 x 16 deck that's attached to our house.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the deck?

MR. GAYTON: No.

MR. KANE: Creating any water hazards or runoffs?

MR. GAYTON: No.

MR. KANE: Is the deck similar in size and nature to other decks in your neighborhood?

MR. GAYTON: Yes.

MR. KANE: How long has the deck been up?

MR. GAYTON: About three years.

MR. KANE: Any complaints formally or informally about the deck?

MR. GAYTON: Never had one.

MRS. GAYTON: You can't see the deck for the fence from the street.

MR. KANE: And it's safe to say without the deck there coming out that door would be a safety hazard?

MR. GAYTON: Yes.

MR. KANE: Any easements running through the area where the deck has been built?

MR. GAYTON: No.

MR. KANE: Further questions at this point?

MR. LUNDSTROM: On the plot plan you show a pool but there's an X through it?

MR. GAYTON: The pool was taken out.

MRS. GAYTON: The pool's no longer there.

MR. LUNDSTROM: Again, just for the record, the deck is currently there?

MR. GAYTON: Yes.

MR. LUNDSTROM: And you're applying for the variance now because?

MR. GAYTON: We're selling the house.

MR. LUNDSTROM: You need to get a building permit for that.

MR. GAYTON: Yes.

MR. KANE: You understand that if we pass it, you still have to pass all the requirements from the building

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department?

MR. GAYTON: Yes.

MR. KANE: At this point, I'll open it up to the public, ask if there's anybody in the audience for this particular hearing? Seeing as there's none, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 59 addressed envelopes and had no response.

MR. KANE: I have no further questions. Any questions from the board? I'll accept a motion.

MR. LUNDSTROM: I'll offer a motion that the application by Mary Gayton request for 10 foot 6 inch side yard setback and 24 foot rear yard setback for an existing attached 16 x 16 rear deck at 114 Chestnut Drive in an R-4 zone be approved by this board.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DR.\_LOUIS\_CAPPA\_(07-23)

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MR. KANE: Request for 11,443 square foot maximum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office at 534 Blooming Grove Turnpike.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: Thank you, Mr. Chairman. My name is Anthony Coppola, I'm the architect who's prepared the site plan and the floor plans. What we're proposing is basically an addition to an existing two level, an existing two level medical office building for Dr. Cappa and the existing building is basically about 1,182 square feet with a storage level below what we're proposing is a one story 3,757 square foot office addition to that building. Dr. Cappa purchased the adjacent lot a couple years ago with the idea of expanding his business and that's basically what we're showing here. As part of our site plan improvements what we're doing basically is the addition will be slightly lower, the finished floor will be slightly lower than the existing finished floor for handicapped accessibility off the new parking lot, there's an existing parking lot here but it basically is kind of not very well defined. We'll basically run a new curbing, new sidewalks and there will probably be storm water retention system under that parking lot to deal with the drainage, this is kind of a low area for the surrounding properties so that's going to be something we're going to be dealing with at the planning board if we're successful here. So the other site plan improvements that we'll be showing will basically be landscaping and screening as per the Planning Board's request. Part of our request here tonight is a rear yard setback, what we're doing in the rear yard here is matching what we have which would be a 13 foot 9 inches that matches the back of the existing office building

and we would be providing screening and landscaping or fencing in the back there as part of our landscaping plans with the planning board. The other variances that we're asking for are basically lot size, this is even when we combine the two lots it's a 32,000 square foot lot 1 acre zoning here so we're short by about 11,000 square feet. The developmental coverage is extremely low in the PO zone, I know I've been here before for other variances, just touch on that item so it's developmental coverage, lot size and rear yard, I think those are the three we're asking for. We conform in terms of parking, we've done that calculation based on the new and the existing so that's all going to be conforming. We're showing basically 33 parking spaces for the entire new building and the existing building, the existing entrance onto New York State Route 94 will not change so it's an existing entrance and we probably will not need DOT's approval cause we're not really we're not planning on doing any work in their right-of-way so that will remain the same. So basically it's going to be basically a whole reconfiguration of this parking lot, going to look all brand new, drainage will all be addressed by a drainage report that we do that will address all that. All of our storm water runoff like I said landscaping we'll add site lighting, there's a refuse enclosure shown on the plan located at the end of the parking lot, the new building is going to be fully handicapped accessible that's required so we'll basically like I said lower that building and that entrance will be at grade. As far as what we're proposing this to look like that's preliminary elevation this shows the existing office building here and then the new addition next to us so we're going to make it a little bit higher in terms of volume do a couple reverse gables, there will probably be two suites associated with this, we're still working on the interior layout, this will not be connected to this, there will be two different floor heights, probably two suites to this and like I said that's all accessible at grade.



MR. KANE: One story?

MR. COPPOLA: One story slab on grade so there's no basements.

MR. KANE: Both lots are to be combined?

MR. COPPOLA: Yes, that's noted on the drawing.

MR. KANE: Cutting down substantial vegetation or trees in the building of this?

MR. COPPOLA: No.

MR. KANE: Create any water hazards or runoff?

MR. COPPOLA: No.

MR. KANE: Any easements running through the area where you intend to build?

MR. COPPOLA: Yeah, I should of mentioned that. There are two easements actually in the rear of the property, there's a utility easement, these are both existing, there's a utility easement which I think has a sanitary sewer, we're going to be using that and there's a drainage easement, a 15 foot wide drainage easement, I don't think there's any piping in that easement right now, that's basically empty and these easements were created as far as the formation of the subdivision in the rear so those were the 15 foot easements on our property, we can't build anything on that and that's why our plan shows that.

MR. KANE: The building isn't going to go on either easement?

MR. COPPOLA: No.

MR. LUNDSTROM: Mr. Chairman? Mr. Coppola, you said that the existing building and the new building are not going to be joined together?

MR. COPPOLA: No, I have a photo of the existing building, we may have given that as part of the package but the existing building is up higher and the ramp slopes up to it so it's probably three foot, that floor is probably three foot above the grade at least.

MR. LUNDSTROM: My questions is does that mean that Dr. Cappa is not going to utilize the entire thing, he's going to possibly rent part of it out?

MR. COPPOLA: He will probably rent a portion of it out.

DR. CAPPAL: That part.

MR. COPPOLA: He would move into the new and rent the existing part out.

MR. LUNDSTROM: For the record, may I ask the name of the person that answered?

DR. CAPPAL: I'm Dr. Cappa.

MR. LUNDSTROM: Just for the record. Dr. Cappa would take the entire new building and rent out the old?

DR. CAPPAL: Yes.

MR. KANE: Both maintaining, being a medical?

DR. CAPPAL: Yes, just that it was easier to put on to the other side, the new addition, and design it better cause my old building, you know, it's an older building, it's not the best design for a medical office cause it was an old converted ranch.

MR. COPPOLA: Once you look at the interior of that new plan, I mean we can get the hallway widths that we need for accessibility, the bathrooms, the circulation for patient flow, all that ends up working much better in a new configuration but it's a little unusual because of the heights of the floors.

MR. KANE: Dr. Cappa, any problem with us adding a provision that states that both buildings need to be in the medical building, that it wouldn't be rented separately as a totally different business, for instance, if somebody wanted to go in there and open up some kind of a store, would you rent that out?

DR. CAPP: Retail, I don't think I'd ever want retail there, it would be only professional, an attorney, an architect, anybody, just professional office.

MR. COPPOLA: Professional office and that's the way the site plan is set up, not for retail.

MR. KANE: At this point, I'll open the public portion of the meeting and ask if anybody's here for this particular hearing? Seeing as not we'll close the public hearing and ask Myra how many mailings.

MS. MASON: On June 26, I mailed out 34 addressed envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: One directed towards the building inspector, Mike, it looks like on the plan itself the plot plan there's an area for two handicapped parking spaces, is that sufficient?

MR. BABCOCK: Yeah, it's based on the number of spaces and he's saying that's what's required, I'm sure it is. And Mr. Chairman, just to clear something up, the building is going to be attached, there will not be

access between the two, that's the difference.

MR. KANE: Basically going to be one building attached and we're definitely going to combine the lots?

MR. BABCOCK: Yes, the planning board is.

MR. KANE: That I would make part of whatever, whatever proposal.

MR. BABCOCK: But he has to, we wouldn't approve it with a line going through the building through the planning board.

MR. KANE: I feel better getting it on record.

MR. BABCOCK: That's fine.

MR. KANE: Any further questions? I'll accept a motion. When you present your motion, I would just ask that you include that the lots definitely be combined, that it be a condition of approval.

MS. LOCEY: I'll offer a motion on the application of Dr. Louis Cappa to grant the requested variances as listed on the agenda of the July 9 Town of New Windsor Zoning Board of Appeals regular session contingent upon the lots being officially combined and the building being one, the existing portion with its own separate entrance.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

one piece of property?

MR. KANE: Correct, separating that one piece of property.

MR. LUNDSTROM: Just a point of reference in the prelim didn't we say that Wal-Mart shall continue to maintain May Road?

MR. BABCOCK: Yes, they'll actually be the owner of this road.

MR. KANE: That's not going to leave their possession.

MR. YANOSH: That's why we can't move this property line any further, we want to keep this access road on Wal-Mart's property so they'll maintain it.

MR. LUNDSTROM: Shall that be a condition we attach to the approval?

MR. BABCOCK: It's part of it, Mr. Chairman, the road is actually part of the Wal-Mart lot, the subdivision proposal is to take that weird shaped lot up to the road access off so they can sell it. If Wal-Mart was to get sold they would have to sell it with the road, it's part of the lot.

MR. KANE: Right, so they're going to have a little weird shaped lot down on the end there but that entrance I think is vital to that Wal-Mart place out there definitely.

MR. LUNDSTROM: Too many people get lost.

MR. KANE: For the record, any easements going through where the entrance is currently? This is an existing entrance?

MR. YANOSH: Yes.

MICHAEL\_LUCAS\_(07-28)

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MR. KANE: Request for 13,012 square feet for lot @1 and 13,012 square feet for lot #2 for minimum lot area for proposed subdivision at Route 94 & Lucas Drive.

Mr. Michael Lucas appeared before the board for this proposal.

MR. LUCAS: Evening everyone.

MR. KANE: Evening, Mr. Lucas, same thing, same as the preliminary, state your name and address.

MR. LUCAS: Mike Lucas, I own property at 146 Quassaick Avenue, I'm here for a subdivision, 2 lot subdivision, one with my existing house on and the northwest lot try to create a lot to build our house on, a smaller house for us for our future.

MR. KANE: Going to be cutting down substantial vegetation?

MR. LUCAS: No, in fact, I think I mentioned the last time that whole area up there where the house is going it's on that map is all clear that had been cleared once before, this was a two lot before then it was combined when the house was built but it was the lots were created and originally from the Quassaick Avenue side west and east, and there were two lots both the lots that I'm creating are larger even after I create the two lots they're larger than any other lot within its vicinity on Lucas especially and my neighbor's lot in front, both, I still maintain a large, the lot that I'm creating especially on Lucas is at least two times large than the other lots on Lucas Drive. I've worked with the town in the last year because I've already gone to preliminary planning but I've also worked with the Highway Department recently because we had some trees up there, they asked me, so we worked together,

we took some of the trees out, we're working on the road drainage cause it has been neglected a little bit and they had some work and I gave them, basically, we're working together and that but basically the whole thing is pretty cut and dry. It's a 2 lot subdivision.

MR. KANE: Any easements running through it?

MR. LUCAS: No.

MR. KANE: Okay, at this point, I'll open it up to the public, ask if anybody in the audience is here for this particular hearing. I'll need you to state your name and address.

MR. JACKSON: My name is Rick Jackson, I live at 14 Lucas Drive across the street from Mike and it's, there's more than enough room to build another house and still have privacy and I think that would add actually some more security to the area because the wooded lots on both my property and his right now are dead space and I know that on more than one occasion the town has been around because of some break-ins and whatnot.

MR. LUCAS: We both have had break-ins, I came home one time there was somebody in the house and that back boarders the, gives them a dead area in there that they hit it.

MR. JACKSON: So I'm all in favor of that.

MR. KANE: Thank you very much.

MR. TORPEY: You want to wake up every day and see Mike?

MR. LUCAS: He does now.

MR. KANE: We get kind of informal here once in a

while, especially me. Anybody else for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 52 addressed envelopes and had no response.

MR. KANE: All right, one question I forgot in my usual spiel, not creating any water hazards or runoffs?

MR. LUCAS: No.

MR. KANE: Any further questions from the board?

MS. LOCEY: Accept a motion?

MR. KANE: I will.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Michael Lucas for one lot that would be 13,012 square foot and the second lot at 13,012 square foot for a minimum lot area for a proposed subdivision at Route 94 and Lucas Drive in an R-4 zone.

MR. TORPEY: Second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



BLOOM\_&\_BLOOM\_(07-27)

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Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: Request for 32 foot rear yard setback and 47% developmental coverage for proposed addition to existing commercial office building at 530 Blooming Grove Turnpike in a PO zone.

MR. BLOOM: Good evening, ladies and gentlemen, I'm Dan Bloom and I'm here on the application and just thought it was perfect timing having gotten Mr. Coppola here before, it's a pleasure having neighbors like Dr. Cappa and Planned Parenthood, we're very fortunate, everybody gets along real well. But for this evening, we're seeking an area variance for the new addition. As I indicated before to the board we'd like to put on an 800 square foot one and a half story addition on the rear portion of the building. About four years ago we put an addition which extended out, you'll notice on the plan and now we're basically taking the same amount of square footage and adding it to that extension on the back and then in addition we're going to add some employee only parking in the back and macadam it so that we can satisfy the required number of spaces and by doing so we don't need a variance for the parking situation but we do need a variance for the rear yard setback. We have 19 feet and we require, it's required to be 50 so we're looking for I believe a 32 foot rear yard setback variance and I believe Mike there's also a question of the coverage.

MR. BABCOCK: Yes, we put it in there, we were pretty sure that it's a typo in the bulk tables and we're working on, we're going to get that changed so eventually these variances won't be needed. This developmental coverage 20 percent is nothing in a commercial area, it's just not enough, you can't supply parking for your building without a variance. So we

believe it was a typo but we figured we better put it on the plan because the bulk tables do say it this way, there's no question that he's got it.

MR. KANE: Cutting down any trees or--

MR. BLOOM: Let me interrupt, I might also say, Mr. Chairman, that we as if and when the sewer behind us is approved for hookup we intend to hook into it and take the existing septic out and we're also going to have handicapped access to the rear of the building.

MR. KANE: Cutting down substantial vegetation or trees in the building of the addition?

MR. BLOOM: No, there will be no vegetation destroyed at all.

MR. KANE: And creating any water hazards or runoffs?

MR. BLOOM: No.

MR. KANE: Any easements running through the area where you want to build the addition?

MR. BLOOM: The only the easement on the other property where the sewer line is which is not on our property.

MS. GANN: What will the proposed addition be being used for?

MR. BLOOM: It's going to be an extension of the existing offices. My niece is joining us in another year and so we need the room, we already need it but we certainly will need it when she does come with her and her support staff.

MR. KANE: There's a lot of business out there.

MR. BLOOM: With what's happening in Orange County

that's for sure.

MR. KANE: At this point, I'll open it up to the public and ask if anybody's here for this particular hearing. Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 31 addressed envelopes and had no response.

MR. KANE: We'll reopen it up to the board for any further questions. Anything further? If not, I'll accept a motion.

MS. GANN: I'll offer a motion that we grant Bloom and Bloom's request, their variance request for 32 foot rear yard setback and 47 percent developmental coverage for proposed addition to existing commercial office building at 530 Blooming Grove Turnpike.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

NORTH\_PLANK\_DEVELOPMENT\_CO.\_.(07-25)

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Mr. John Lease appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road.

MR. LEASE: I'm John Lease and I'm North Plank Development Company and I have a building at 673 Little Britain Road that I built, it's a five unit office building and I've tried to rent it now for about coming up on 19 months and I have not been successful, I've gotten mostly all retail tenants and the building is not permitted for outright retail. I've had a liquor store, sandwich shop, sandwich chain, outright beauty salons and all a hundred percent retail and haven't been able to rent it. I have not had any response for just outright office. I've had it in the Times Herald Record 21 times, on the internet provided by Costar Loop Net which we get the bulk of our commercial draw from and I have not had office response there for whatever reason. So I've got La Image Day Spa that would like to rent the entire building. And a couple good points I think about them is they would take the entire building and they have agreed to sign a 30 year lease, 60 percent of the building would be finished off, they would have to do some, a lot of interior finish work because it's really a white box right now, they would finish off the entire building. And I walked through their present space, they're in an office building on 207 right now, they've been there for five years, they exist in Westage office building and they would use about 60 percent of it for reception and waiting area and then the rest of the 60 percent really office, meeting, clerical and consultation rooms. I took some pictures of their interior of their present building right now so here's my building just so you guys know what it looks like then their building where they are right now and then they're in the office building right now, they're in the Westage building which they've had no problems existing in that building and their interior fit out, is very office looking in 60 percent of it, there's an interior shot where they have consultation meetings, meeting area, there's a reception room which is a typical reception waiting area and then a good portion of the remaining 30

percent is a salon type area which looks like a normal salon type area to me. I asked them to clock the traffic flow and it was interesting I found out because people go there for more than one type of treatment, their average client is there for an hour and 20 minutes and I had one of my commercial secretaries at the building on 9W clock it and our average time for our office building is just under an hour, not including Bank of New York which is retail so for the 14,000 square feet of office space we're just under an hour and they're just under an hour and a half so there seems to be less in and out traffic for their type of use and I think it would be in keeping with the neighborhood and fit well in the neighborhood and they would do a nice job in the building.

MR. KANE: For the record, would you explain why he's here?

MR. BABCOCK: It's not listed in the PI zone.

MR. KANE: It's not a listed use.

MR. BABCOCK: That's correct.

MR. KRIEGER: But office is a listed use?

MR. BABCOCK: That's correct.

MR. KRIEGER: The offices are intermingled within this space, is that correct?

MR. LEASE: Yeah, where they have it now on this side it's off to the left and the present area is off to the right, it's all separated, you can go left in the meeting area or right into the salon area, that's how they have it here.

MR. KANE: You were saying about 60 percent is going to be really used for that kind of office consultation

reception area?

MR. LEASE: Right, every bit of at least 60 percent that whole left wing is that office type finish, very nice too, I went through their present place.

MR. KANE: I still think it's a good fit. At this point I'm going to open it up to the public, see if there's anybody here for the public for this particular hearing? Come on, you've got one to go, you're all here for something. Okay, we'll close the public portion of the meeting seeing that there's nobody here and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 16 addressed envelopes and had no response.

MR. KANE: I'll accept a motion if there's no further questions from the board.

MR. LUNDSTROM: If I may or counsel should we be issuing a use variance or interpretation?

MR. KRIEGER: An interpretation that the proposed use is consistent with the allowed uses in the zone.

MR. LUNDSTROM: With that wording I'd be happy to make that motion.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MARIA & PHILIP INGENITO (07-29)

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MR. KANE: Request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road.

Mr. and Mrs. Philip Ingenito appeared before the board for this proposal.

MR. KANE: Hi, tell us what you want to do.

MRS. INGENITO: It's Maria Ingenito.

MR. INGENITO: Phil Ingenito.

MRS. INGENITO: We have a single family home on Bull Road and we're seeking a 4 foot variance so that we can add some additional living area for our, my elderly in-laws, his elderly parents that are in need of extra help at this point. We did look to purchase an existing home with an in-law setup but we couldn't find something that was suitable. So at this point, this appears to be the best option to do the construction. We want to add about a thousand square foot of living area to the south side of our home which would include what's now our garages and would go across what's now the end of the driveway. Apparently, it will get a little close to my neighbor's property line, however, there will be no windows on that side. There's an existing hedge of trees that won't be disrupted at all so the privacy factor is still there. My neighbor on that side is actually here with us. We also want to add a second kitchen to the area so they can have their independence while still being in close proximity to us so that we can help them out. The addition won't change the character of the neighborhood nor will the construction cause any neighboring properties any inconvenience.

MR. KANE: Somebody did their homework.

MRS. INGENITO: The construction will be done professionally, it will be landscaped, the driveway's going to be redone, we're going to break up the length of it cause it's going to be pretty long but we're going to break it up. We have one tree that's not going to be touched, maybe one more tree to break it up so it's not visually so long and it will be done in line with the existing house. There's no foreseeable negative conditions which would be created by the approval of this addition, however, a handicap would be created for us if it is not.

MR. KANE: Thank you. Seriously, Mike, minimum lot width, it's an existing home, why is that even coming up?

MR. BABCOCK: It's the new zoning, Mr. Chairman, and we're clearing it up only because they're here, they wouldn't be here for that only.

MR. KANE: I just wanted to make that point. And the 4 foot side yard is going to be because of the addition going onto the existing home right now?

MR. BABCOCK: That's correct.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MRS. INGENITO: None at all.

MR. KANE: Creating any water hazards or runoffs?

MRS. INGENITO: None at all.

MR. KANE: Any easements running through the area where the addition is going to go?



MR. INGENITO: No.

MR. KANE: Will the addition make the home too big for the neighborhood?

MRS. INGENITO: No.

MR. KANE: As far as the interpretation for the two kitchens this is to be put on record there's no intention to make this a usable apartment or rentable apartment?

MRS. INGENITO: Absolutely not.

MR. KANE: There will be access through the inside of the home?

MRS. INGENITO: Yes.

MR. KANE: So that other portion--

MRS. INGENITO: Yes.

MR. KANE: And that with the second kitchen the electric and the gas is all going to be on one meter?

MRS. INGENITO: There's no gas but the electric will be.

MR. BABCOCK: Mr. Chairman, one more thing, it's going to be a single-family home with two kitchens?

MRS. INGENITO: Yes.

MR. KRIEGER: It is now a single family home, it will always be a single-family home and you'll sell it as a single family home?

MR. INGENITO: Absolutely.

MR. KANE: Okay, at this point, we'll open it up to the public and ask if anybody's here for this meeting? Just state your name and whatever it is you want to say.

MR. BERLINGIERI: Al Berlingieri, 432 Bull Road, next door neighbor, they're going to be coming towards my property, I have no problem.

MR. KANE: Thank you very much.

MS. REHNS: Shannon Rehns (phonetic), 458 Bull Road and my husband and I received a letter, we have no problem whatsoever with it.

MR. KANE: Thank you very much. We'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 22 addressed envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I'll offer a motion on the application of Maria and Phillip Ingenito to grant their request for a 25 foot minimum lot width and 4 foot side yard setback and to interpret the use of their home as a single family dwelling with two kitchens all for a proposed addition to an existing home at 438 Bull Road in an R-1 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

July 9, 2007

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MR. KANE

AYE

DISCUSSION

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MR. KANE: One point before we adjourn, Kathy, before when we get into some complicated things before you did the right thing and just said as per the, on the agenda and then you changed back and read the whole thing out. I think it's sometimes it's easier and less complicated if you're unsure just say as per the agenda requested variances as written on the agenda. All right, that was the only point. Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer